



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 21, 1996

Mr. Jesús Toscano, Jr.  
Administrative Assistant City Attorney  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR96-2165

Dear Mr. Toscano:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102722.

The City of Dallas (the "city") received an open records request for certain records pertaining to a traffic accident that allegedly occurred because of a malfunctioning traffic signal. You state that the city has released to the requestor some of the requested information. You contend, however, that other information may be withheld pursuant to the Texas Open Records Act, section 552.103(a) of the Government Code. To secure the protection of section 552.103(a), a governmental body must demonstrate that the requested information relates to pending or reasonably anticipated litigation to which the governmental body is a party. Open Records Decision No. 588 (1991) at 1.

You state that litigation is reasonably anticipated because the requestor has filed a claim against the city. You do not, however, represent that the claim is in compliance with the notice requirements of the Texas Tort Claims Act, Civ. Prac. & Rem Code ch. 101, or applicable municipal ordinance. *See* Open Records Decision No. 638 (1996). In this instance we do not believe that you have made the requisite showing that litigation may be reasonably anticipated regarding this matter. We therefore conclude that the requested records may not be withheld under section 552.103. As you raise no other exceptions to required public disclosure, the requested records must be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Todd Reese", with a long horizontal flourish extending to the right.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/RWP/rho

Ref.: ID# 102722

Enclosures: Submitted documents

cc: Mr. Marc Brandenburg  
12121 Audelia #911  
Dallas, Texas 75248  
(w/o enclosures)